

AMENDED IN ASSEMBLY AUGUST 12, 2002

AMENDED IN ASSEMBLY JULY 2, 2002

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 15, 2002

AMENDED IN SENATE MAY 1, 2002

SENATE BILL

No. 1410

Introduced by Senator Chesbro

February 13, 2002

An act to amend Sections 798.4, 798.23, and 798.58 of, and to add Section 798.23.5 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1410, as amended, Chesbro. Mobilehome parks: homeowners: renting.

Existing law, the Mobilehome Residency Act, defines a mobilehome park as land where 2 or more mobilehome sites are rented or offered for rent to accommodate mobilehomes for human habitation.

This bill would revise the definition of a mobilehome park to include land where 2 or more mobilehomes are rented, or held out for rent, for human habitation.

Existing law provides that the owner of any park, and a person employed by the owner, is subject to all rules and regulations of the mobilehome park, with specified exceptions. Existing law defines management to mean the owner of a mobilehome park or an agent authorized to act on the owner's behalf in connection with park tenancy. Existing law further provides that these provisions do not validate,

invalidate, or express a legislative policy regarding the subletting of a mobilehome park space by a tenant.

This bill would delete the provisions concerning the subletting of a mobilehome park space by a tenant and the status of legislative policy in this regard. The bill would require management to permit a homeowner to rent his or her home that serves as the homeowner's primary residence or sublet his or her space if a medical emergency or treatment requires the homeowner to be absent from his or her home, subject to an attending physician's written confirmation. The bill would require that rentals or subleases under these circumstances conform to specified provisions. The bill would prohibit a homeowner from charging a renter or sublessee under these provisions more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any.

Existing law specifies the reasons for termination of a tenancy in a mobilehome park, and prohibits a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased a mobilehome from a park owner or his or her agent.

This bill would also prohibit a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased or proposes to purchase, or who rents or proposes to rent, a mobilehome from a park owner or the owner's agent.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.4 of the Civil Code is amended to
2 read:

3 798.4. "Mobilehome park" is an area of land where two or
4 more mobilehomes are rented, or held out for rent, for human
5 habitation, or two or more mobilehome sites are rented, or held out
6 for rent, to accommodate mobilehomes used for human habitation,
7 or both.

8 SEC. 2. Section 798.23 of the Civil Code is amended to read:

9 798.23. (a) The owner of the park, and any person employed
10 by the park, shall be subject to, and comply with, all park rules and
11 regulations, to the same extent as residents and their guests.

12 (b) Subdivision (a) of this section does not apply to either of the
13 following:



(1) Any rule or regulation that governs the age of any resident or guest.

(2) Acts of a park owner or park employee which are undertaken to fulfill a park owner's maintenance, management, and business operation responsibilities.

SEC. 3. Section 798.23.5 is added to the Civil Code, to read:

798.23.5. (a) (1) Management shall permit a homeowner to rent his or her home that serves as the homeowner's primary residence or sublet his or her space, under the circumstances described in paragraph (2) and subject to the requirements of this section.

(2) A homeowner shall be permitted to rent or sublet pursuant to paragraph (1) if a medical emergency or medical treatment requires the homeowner to be absent from his or her home and this is confirmed in writing by an attending physician.

(b) The following provisions shall apply to a rental or sublease pursuant to this section:

(1) The minimum term of the rental or sublease shall be six months, unless the management approves a shorter term, *but no greater than 12 months, unless management approves a longer term.*

(2) The management may require approval of a prospective renter or sublessee, subject to the process and restrictions provided by subdivision (a) of Section 798.74 for prospective purchasers of mobilehomes. *A prospective sublessee shall comply with any rule or regulation limiting residency based on age requirements, pursuant to Section 798.76. The management may charge a prospective sublessee a credit screening fee for the actual cost of any personal reference check or consumer credit report that is provided by a consumer credit reporting agency, as defined in Section 1785.3, if the management or his or her agent requires that personal reference check or consumer credit report.*

(3) The renter or sublessee shall comply with all rules and regulations of the park. The failure of a renter or sublessee to comply with the rules and regulations of the park may result in the termination of the homeowner's tenancy in the mobilehome park, in accordance with Section 798.56. A homeowner's tenancy may not be terminated under this paragraph if the homeowner completes an action for unlawful detainer or executes a judgement for possession, pursuant to Chapter 4 (commencing with Section

1 1159) of Title 3 of Part 3 of the Code of Civil Procedure within 60
2 days of the homeowner receiving notice of termination of tenancy.

3 (4) The homeowner shall remain liable for the mobilehome
4 park rent and other park charges.

5 (5) The management may require the homeowner to reside in
6 the mobilehome park for a term of one year before management
7 permits the renting or subletting of a mobilehome or mobilehome
8 space.

9 (6) Notwithstanding subdivision (a) of Section 798.39, if a
10 security deposit has been refunded to the homeowner pursuant to
11 subdivision (b) or (c) of Section 798.39, the management may
12 require the homeowner to resubmit a security deposit in an amount
13 or value not to exceed two months' rent in addition to ~~first months'~~
14 *the first month's* rent. Management may retain this security deposit
15 for the duration of the term of the rental or sublease.

16 (7) The homeowner shall keep his or her current address and
17 telephone number on file with the management during the term of
18 rental or sublease. *If applicable, the homeowner may provide the*
19 *name, address, and telephone number of his or her legal*
20 *representative.*

21 (c) A homeowner may not charge a renter or sublessee more
22 than an amount necessary to cover the cost of space rent, utilities,
23 and scheduled loan payments on the mobilehome, if any.

24 SEC. 4. Section 798.58 of the Civil Code is amended to read:

25 798.58. Tenancy may only be terminated for reasons
26 contained in Section 798.56, and a tenancy may not be terminated
27 for the purpose of making a homeowner's site available for a
28 person who purchased or proposes to purchase, or rents or
29 proposes to rent, a mobilehome from the owner of the park or the
30 owner's agent.

